

## REMARKS

In the Office Action dated May 28, 2008, the Examiner rejected claims 1-3, 6-10, 12-15, 21-22, 24-32, 35, 37 and 38 under 35 USC 102 as anticipated by *Meadows* (USPN 4,916,308 hereinafter “*Meadows*”), rejected claims 1-3, 6-19, 21, 22, 24-32 and 35-38 under 35 USC 102 as anticipated by *Graham* (USPN 5,914,709 hereinafter “*Graham*”), rejected claims 1-3, 6-9, 12-22, 24, 28-32, 37 and 38 under 35 USC 102 as anticipated by *Francis* (USPN **6,181,842** hereinafter “*Francis*”), rejected claims 4,5, 33 and 34 under 35 USC 103 as obvious over *Meadows*, rejected claims 11, 16-19, and 36 under 35 USC 103 as obvious over *Meadows* and *Graham*, rejected claim 20 under 35 USC 103 as obvious over *Meadows* and *Francis*, rejected claim 23 under 35 USC 103 as obvious over *Meadows* and **Hoshino** (US Publication 2002/0030668 hereinafter “*Hoshino*”), rejected claims 4, 5, 33 and 34 under 35 USC 103 as obvious over *Graham*, rejected claim 20 under 35 USC 103 as obvious over *Graham* and *Francis*, rejected claim 23 under 35 USC 103 as obvious over *Graham* and *Hoshino*, rejected claims 4, 5, 33 and 34 under 35 USC 103 as obvious over *Francis*, and rejected claim 23 under 35 USC 103 as obvious over *Francis* and *Hoshino*. In response thereto, the Applicant has **amended** **Claims 1, 2, 7, 8, 12, 24, 25, 28, 29, & 37**. **Claim 3 was cancelled**. **Claims 39-43 are added**. **Claims 1, 2, 4-43** are at issue.

### The Art Rejections

The Applicant has amended the claims to more clearly point out the distinction between the cited art which all teach and rely upon a grid of criss-crossing light beams with ample space between the beams. My understanding of the Action is that the expressed position is that one x-beam intersects with a single y-beam to define an x-y lamina. Applicant would point out the following, there is no indication that any of the beams intersect in the same plane. Accordingly, in the cited art the beams are perpendicular, but because they are not in the same plane, they do not define a lamina. Moreover, they do not define a contiguous lamina. This for these and other reasons the Applicant disagrees with the assertions made in the Action.

In particular, the Applicant has modified **independent Claims 1, 24, and 28** to more clearly articulate that the claimed invention has “a light source configured to generate a substantially continuous lamina of light **such that the lamina extends into the free space adjacent the display screen wherein the lamina extends over a substantial portion of the area of the display screen** ...”. The cited art is, at best, a grid of criss-crossing light beams that create a periodic and localized grid of beams extending across the display screen. But there is

no teaching in the cited art that a continuous planar sheet (a lamina) of light extends across “a substantial portion of the area of the display screen” as now claimed. In the prior art case, the Action argues that, where the two beams intersect (Applicant does not believe such a teaching is present) a tiny lamina is defined. Even if this were so, the Applicant points out that this tiny beam width lamina would only cover the smallest fragment of the display surface. Such an implementation would be virtually worthless. That is why the grid is necessary. Without accepting the validity of this interpretation of the cited art, the Applicant points out that the invention claimed is directed to **a lamina that covers all, or a substantial portion, of the display screen.** The inventors point out that the large sheet of light claimed cannot be formed by the intersection of two small point source beams as indicated by the Action. That is why a grid of beams is used in the cited art. To the extent that the term lamina can even be applied to the prior art, the “lamina” covers a trivially small portion of such display screen. Accordingly, to apply references in this manner is suggest a non-function application of the technology. This precludes its use as a valid reference.

The Applicant again strongly points out that there is a substantial difference between a grid of light taught in the cited art (*Meadows, Graham, and Francis*) versus a continuous sheet or “lamina” of light, as taught and claimed in the present application.

Added **Claims 39-42** to seek to address the shortcomings of the single beam lamina suggested in the cited art. **Claim 39** (et seq.) recites a lamina formed by a source having more than one point of origination along each axis. **Claim 39** recites that “the light source configured to generate the substantially continuous lamina of light comprises a plurality of point light sources arranged to generate said substantially continuous lamina”. This describes a series of light sources arranged along at least one axis (more typically two) to project a single continuous lamina. The point source lasers of the prior art are limited to a **grid** of discontiguous beams. In the only possible alternative, the lamina of the cited art is a single beam lamina which also does not meet the requirements of these added claims.

Added **Claim 43** also is directed to a novel feature of the invention not capture by the cited art. The claimed device includes “a substantially continuous plane of light generated when the data input device is on”. Additionally, the claimed invention recites “an optical position detection system, optically coupled to the plane of light, and configured to detect a variety of different two dimensional locations within the plane corresponding to a location for each data entry entered at various different points in the plane, such entries entered to the input device by determining the location of interrupts in the plane of light caused when data is entered to the input device”. The cited “lamina” are capable of detecting one pixel (*Meadows*) only because

the “lamina” only defines a single pixel. Thus, the lamina of the cited art cannot adapt to a multi–point movement since each pixel defines only one point. In short the cited art interpretation has no valid application. The same is true with the other “lamina” of the cited art. They are all, at best, single point data entries. No more.

### **The Double Patenting Rejection**

In the event the Examiner indicates that the subject application contains allowable claims, a terminal disclaimer will be filed.

### **Conclusion:**

In view of the foregoing amendments and remarks, it is respectfully submitted that the claimed invention as presently presented is patentable over the art of record and that this case is now in condition for allowance.

Accordingly, the applicants request withdrawal of all pending rejections and request reconsideration of the pending application and prompt passage to issuance. As an aside, the applicants clarify that any lack of response to any of the issues raised by the Examiner is not an admission by the applicant as to the accuracy of the Examiner’s assertions with respect to such issues. Accordingly, applicant’s specifically reserve the right to respond to such issues at a later time during the prosecution of the present application, should such a need arise.

As always, the Examiner is cordially invited to telephone the applicants representative to discuss any matters pertaining to this case. Should the Examiner wish to contact the undersigned for any reason, the telephone numbers set out below can be used.

Additionally, if any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned’s Deposit Account No. 50-4481 (Order No. GRAMP005).

Respectfully submitted,  
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